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Docket No.: M1909.1124
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tessei Shimizu

Application No.: 10/698,394

Confirmation No.: 2718

Filed: November 3, 2003

Art Unit: 3661

For: ECO-DRIVING DIAGNOSTIC SYSTEM AND
METHOD, AND BUSINESS SYSTEM USING
THE SAME

Examiner: T. V. Nguyen

AMENDED APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Brief issued November 9, 2006, submitted herewith is an Amended Appeal Brief which includes a revised Concise Explanation of the subject matter defined in the independent claims. As required under § 41.37(a), an appeal brief was filed on December 23, 2005, within two months of the Notice of Appeal filed in this case on October 27, 2005, in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2), and the required petition for extension of time for filing this brief and fees therefor, were dealt with in the TRANSMITTAL OF APPEAL BRIEF that accompanied the first Appeal Brief. No additional fee is believed due at this time for the filing of the Amended Appeal Brief. However, if any fee is deemed to be due for the filing of this paper, the Patent Office is authorized to charge the fee to Deposit Account No. 50-2215.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party In Interest
- II Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- Appendix A Claims Involved in the Appeal
- Appendix B Evidence
- Appendix C Related Proceedings

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

NEC Corporation

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 10 claims pending in application.

B. Current Status of Claims

- 1. Claims rejected: 1-4
- 2. Claims withdrawn from consideration: 5-10.

C. Claims On Appeal

The claims on appeal are claims 1-4.

IV. STATUS OF AMENDMENTS

Applicant filed an Amendment in Response to Non-Final Office Action May 6, 2005, in response to the Office Action dated February 23, 2005. At that time, claims 1, 3 and 4 were amended to address formal issues. A Final Office Action was mailed July 28, 2005, which repeated the prior art rejections set forth in the Office Action dated February 23, 2005. A Request for Reconsideration was filed in response to the Final Office Action on September 23, 2005. In the Advisory Action mailed October 12, 2005, the Examiner indicated that the September 23, 2005 response did not place the case in condition for allowance. No further amendments have been made subsequent to the May 6, 2005 Amendment.

Accordingly, the claims enclosed herein as Appendix A reflect the status of the claims on and before May 6, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to an Eco-Driving diagnostic system including: a vehicle (*e.g.*, 100); a center (*e.g.*, 200); a user terminal (*e.g.*, 301, 302); a network (*e.g.*, 500); and a radio communication network (*e.g.*, 400). *See e.g.*, Figure 1, and the specification at page 12, lines 22-25 and page 13, line 23. The vehicle includes a vehicle sensor (*e.g.*, 101), an in-vehicle device (*e.g.*, 102), a radio communication terminal (*e.g.*, 103). *See e.g.*, Figure 1, and the specification at page 12, lines 25-26. The in-vehicle device acquires information about at least the number of engine revolutions, fuel consumption, vehicle speeds, vehicle positional information and time information from the vehicle sensor, and temporarily processes the acquired data for subsequent use (*see e.g.*, the specification at page 12, lines 26-30); and the radio communication terminal transmits the information to the center via the radio communication network, and receives information from the center (*see e.g.*, the specification at page 12, line 30 to page 13, line 4).

The center includes a communication control device (*e.g.*, 201), a management server (*e.g.*, 202), a database (*e.g.*, 203), a mail server (*e.g.*, 204), and a Web server (*e.g.*, 205). The

communication control device in the center transmits and receives the information to and from the radio communication terminal in the vehicle. *See e.g.*, the specification at page 13, lines 8-10.

The management server: manages the information transmitted from the vehicle (*see e.g.*, the specification at page 13, lines 10-12); calculates, on the basis of the managed information, at least fuel consumption and environmental-load emissions with respect to each of events which may occur and corresponding to a total of events over a total driving time of the vehicle (*see, e.g.*, the specification at page 13, lines 12-15); stores in the database the calculated information with user information (*see, e.g.*, the specification at page 13, lines 15-16); retrieves the information stored in the database; processes the retrieved information into contents for diagnosis and advices by combining and comparing the information (*see e.g.*, the specification at page 13, 18-21); provides the contents from the mail server to the user terminal via the network (*see, e.g.*, the specification at page 13, lines 21-24); and provides the contents from the Web server to the user terminal via the network (*see, e.g.*, the specification at page 13, lines 24-25).

The user terminal: is a mobile terminal or a personal computer; sets up at least personal information, timing of providing the contents, and detail of the contents (*see, e.g.*, the specification at page 13, lines 26-29); displays the contents; and informs with sound (*see, e.g.*, the specification at page 13, lines 29-30).¹

Independent claim 3 is directed to an Eco-Driving diagnostic method. The method includes: turning on a power source of an in-vehicle device when an engine of a vehicle is started up (*see e.g.*, the specification at page 14, lines 4-8); acquiring from a vehicle sensor, by the in-vehicle device, information necessary to comprehend driving statuses including at least engine revolutions, fuel consumption, vehicle speeds, vehicle positional information, and time information from the start of the engine (*see e.g.*, the specification at page 14, lines 8-12); temporarily processing, by the in-vehicle device, the acquired information so as to identify at least fuel consumption with respect to each of events which may occur and environmental-load emissions due to the fuel consumption

¹ Where a single citation to the disclosure follows two limitations, *both* of these preceding limitations are supported by the single citation.

(*see e.g.*, the specification at page 14, lines 15-18); transmitting the processed information from a radio communication terminal in the vehicle to a communication control device in a center via a radio communication network (*see e.g.*, the specification at page 14, lines 19-21); calculating, by a management server, the information received at the center to obtain at least fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event or for a total driving time (*see e.g.*, the specification at page 14, lines 24-27); storing in a database the calculated information being associated with respective users and vehicles (*see e.g.*, the specification at page 14, lines 27-28); processing, by the management server, the information stored in the database into contents including at least results obtained by comparing the fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event and for a total driving time with those of the other vehicles, and breakdowns of the environmental-load emissions with respect to each event (*see e.g.*, the specification at page 14, line 28 to page 15, line 2); finding out at least an event causing increases of fuel consumption and environmental-load emissions on the basis of the breakdowns (*see e.g.*, the specification at page 15, lines 5-7); creating contents including results of diagnosis and advices to urge a user to drive in such a way as to reduce the fuel consumption and the environmental-load emissions (*see e.g.*, the specification at page 15, lines 7-10); transmitting the created contents from a mail server in the center to a user terminal at its e-mail address (*see e.g.*, the specification at page 15, lines 12-17); and providing the created contents to the user terminal via a Web server through a network (*see e.g.*, the specification at page 15, lines 12-23). The in-vehicle device is connected to the vehicle sensor via a wire line and short-range wireless communication system, respectively (*see e.g.*, the specification at page 14, lines 4-6).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Final Office Action dated July 28, 2005 (“the Final Office Action”) rejected claims 1, 2 and 4 under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,714,857 (Kapolka et al.) in view of JP 2002-197155 (Riu et al.) and U.S. Patent 6,636,790 (Lightner et al.). Claim 3 was rejected under 35 U.S.C. § 103 over Kapolka et al. in view of Riu et al. and Lightner et al. and further in view of U.S. Application 2002-089349 Satoshi et al. Claims 5-10, which are not under appeal, have been withdrawn from consideration.

VII. ARGUMENT

A. Group 1 – Claims 1-4

Independent claim 1 recites, inter alia, a management server that: manages information transmitted from a vehicle; calculates, on the basis of the managed information, at least fuel consumption and environmental-load emissions with respect to each of events which may occur and corresponding to a total of events over a total driving time of the vehicle.

Independent claim 3 recites, inter alia, processing, by the management server, the information stored in the database into contents including at least results obtained by comparing the fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event and for a total driving time with those of the other vehicles, and breakdowns of the environmental-load emissions with respect to each event.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Both the teaching or suggestion to make the proposed combination, and the reasonable expectation of success, must be found in the prior art, not in Applicants disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See also MPEP §2143.

Further, the fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” *Id.* at 682. See also MPEP §2143.01.

As such, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). See MPEP §2141.02.

Applicant respectfully submits that the Examiner has failed to identify art that teaches or suggests the above-noted claim limitations of the independent claims.

In the Final Office Action, the Examiner relied upon two secondary references, Riu and Lightner, in an attempt to supply features conceded as missing from Kapolka et al., the primary reference.

In particular, it was conceded in the Final Office Action that Kapolka contains no teaching of the in-vehicle device providing data relating to engine revolutions, and vehicle speeds. Nor does Kapolka show storing the calculated information in the database with user information, retrieving and processing the information for a diagnosis by combining and comparing the information, providing the contents from the mail server to the user terminal. Further, Kapolka does not show that the user’s terminal sets up timing of providing the contents and detail of the contents and informs with sound.

The Final Office Action relied upon Riu to supply certain features not found in Kapolka. The features not supplied by Riu are alleged to be supplied by Lightner. Applicant submits that the Final Office Action has failed to set forth a prima facie case of obviousness.

First, even when combined, the references do not teach or suggest every feature of the independent claims.

Independent claim 1 recites, inter alia, a management server that “calculates, on the basis of the managed information, at least fuel consumption and environmental-load emissions with respect to each of events which may occur and corresponding to a total of events over a total driving time of the vehicle”

In attempting to meet this limitation, the position was taken in the Final Office Action that Kapolka et al. teaches “calculating fuel consumption with respect to each event (idling, etc.) (col. 6, lines 49-63; col. 7, lines 34-58) for total driving time, . . .” Final Office Action at page 3. However, this statement does not correctly characterize either the reference or the claim limitation.

The cited portions of Kapolka et al. relate to a *single* event: idling. This cited portion is mischaracterized in the parenthetical remark “(idling, etc.)” which implies that more than one event, i.e., possibly an event other than idling, is taken into account in the cited portion of Kapolka et al. In fact, idling is the only “event” that is mentioned in the cited portion of Kapolka et al.

In Kapolka et al., the total idle fuel used value obtained near the point where the vehicle left a jurisdiction is subtracted from the total idle fuel used value obtained near the point the vehicle entered the jurisdiction to obtain the total idle fuel used within a jurisdiction. This is combined with other information to determine the total taxable amount of fuel used in the jurisdiction.

On the other hand, claim 1 recites calculation of at least fuel consumption *and* environmental-load emissions with respect to *each of events* which may occur *and corresponding to a total of events* over a *total driving time of the vehicle*. As can be seen, Kapolka et al. calculates based on only idling, and does not calculate corresponding to a total of events that may occur. On

the other hand, in claim 1, a calculation is performed based on each event, as well as calculated based on the total of events that occur over a total driving time.

In the portions of Kapolka et al. cited in the Final Office Action, with regard to the single event (idling), a calculation is made based on that single event as the event occurs within a particular jurisdiction, *not over a total driving time*, as is recited in claim 1. For at least this reason, and those mentioned in the foregoing paragraph, Kapolka et al. does not supply a teaching that corresponds at least to the above-mentioned feature of claim 1. Thus, even if the references are combined as proposed in the Final Office Action, no prima facie case of obviousness has been set forth.

Moreover, while Kapolka et al. makes calculations relating to fuel consumption as it relates to a single event (i.e., idling), it contains no teaching or suggestion of calculating, on the basis of the managed information, *environmental-load emissions* with respect to *each of events which may occur and* corresponding to *a total of events* over a total driving time of the vehicle make environmental-load emissions due to the fuel consumption. For this additional reason, no prima facie case of obviousness has been set forth.

Claim 3 recites, inter alia, “processing, by the management server, the information stored in the database into contents including at least results obtained by comparing the fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event and for a total driving time with those of the other vehicles, and breakdowns of the environmental-load emissions with respect to each event”

As was discussed above in connection with independent claim 1, the allegedly corresponding portions of Kapolka et al. do not teach at least the features of claim 3 discussed above. That is, in Kapolka et al., with regard to the single event (idling), a calculation is made based on that single event as that event occurs within a particular jurisdiction. Moreover, the calculation discussed in the cited portions of Kapolka et al. occurs within a particular jurisdiction,

not over a total driving time, and relates only to fuel consumption, and not to environmental-load emissions.

For at least the above reasons, Kapolka et al. does not teach all of the features for which it is relied upon in the Final Office Action. The other cited references do not show, and were not alleged to show, the aforementioned features of claim 1 and claim 3 and therefore do not remedy the abovementioned deficiency of Kapolka et al. as a reference against claim 1 and claim 3. Thus, no *prima facie* case of obviousness has been set forth.

In view of the above, no *prima facie* case of obviousness has been set forth for either of the independent claims under appeal. It is therefore requested that the final rejections of claims 1-4 be withdrawn.

Moreover, to establish a *prima facie* case of obviousness requires, among other things, that motivation in the prior art be identified that would cause one of ordinary skill in the art to make the proposed combination of references. This motivation must be found in the prior art, and it must be a motivation to make the proposed combination of all the cited references.

For example, where a rejection is based upon a combination of three references, as in the case of the rejections of claims 1, 2 and 4, motivation identified that would lead one of ordinary skill in the art to combine *all three*. It is not enough to provide motivation to combine the first two, and then say that in view of that combination, it would have been obvious to make the additional modification of the combination of the first two references.

In the Final Office Action, *no* motivation was provided that would have led one to combine all three references. In the “Response to Arguments,” at item 7 of the Final Office Action, the Examiner stated that “in this case, the motivation for combining the references is found in the knowledge generally available to one of ordinary skill in the art.”

However, while this statement may relieve the Examiner from having to identify exactly *where* the alleged motivation-inducing teachings of the prior art come from, it does not relieve the

Examiner of the burden of identifying *what the motivation-inducing teachings are*. Instead of identifying such teachings, in the subsequent text of item 7 of the Office Action, the Examiner simply lists the various elements that have been pieced together in the rejection to allegedly meet the claims, and connects them together with the connecting phrase “it would have been obvious.” This is not remotely sufficient to meet the requirement for a prima facie case of obviousness.

In the Continuation Sheet of the Advisory Action mailed October 12, 2005, the Examiner responded to the above arguments by saying that the Examiner did provide “‘what the teachings are’ by listing the relevant teaching elements from each cited reference.” In fact, what was listed in the portion of the Final Office in question were simply those elements of each cited reference that the Examiner believes are read on by the claim features.

In addition to failing to identify any teaching, either in the prior art or in the generally available knowledge, that would have *motivated* the three-way rejection, the only attempt that may be seen to explain *why* one would be motivated to make the combination is insufficient. Specifically, at page 4 of the Final Office Action, the Examiner stated that it would have been obvious to combine the references “in order to track working condition of a specific vehicle and to monitor the amount emission to facilitate limiting pollution to the environment.”

However, this is not a motivation at all, since it is simply a summary of certain advantages of the Applicant’s invention. As in the non-final Office Action mailed February 23, 2005, the Examiner is, in effect, saying it would have been obvious to combine the references because such a combination would add up to the elements of the claim in question. Such reasoning amounts to an improper hindsight reconstruction of the claims.

It is entirely improper to use advantages engendered by the features of the Applicant’s invention as motivation to have combined disparate elements from a number of references. If the advantages of the Applicant’s invention tend to make it more obvious, by allegedly providing motivation to combine elements found in the prior art, then the most advantageous inventions would be the least likely to obtain a patent. This is obviously not what the law intends.

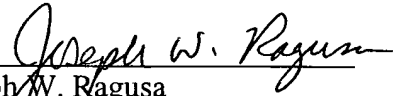
For at least the reasons set forth above, the Examiner has failed to establish a prima facie case of obviousness based on the combination used to reject claims 1, 2 and 4.

The rejection of claim 3 is even more deficient than that of claims 1, 2 and 4 since the Examiner has completely failed to provide motivation for a combination of *four* references. Moreover, the Examiner improperly took the combination of the first three references as a given in explaining the further modification based on Satoshi. This is improper since motivation must be shown to combine *all four references*. For at least this additional reason, no prima facie case has been made in connection to claim 3.

For at least the foregoing reasons, all of the independent claims are believed to be clearly patentable over the cited references and reversal of the rejections is respectfully requested.

Dated: December 1, 2006

Respectfully submitted,

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/698,394

1. (Previously Presented) An Eco-Driving diagnostic system comprising:

a vehicle;

a center;

a user terminal;

a network; and

a radio communication network; wherein:

the vehicle includes a vehicle sensor, an in-vehicle device, a radio communication terminal, wherein:

the in-vehicle device acquires information about at least the number of engine revolutions, fuel consumption, vehicle speeds, vehicle positional information and time information from the vehicle sensor, and temporarily processes the acquired data for subsequent use; and

the radio communication terminal transmits the information to the center via the radio communication network, and receives information from the center;

the center includes a communication control device, a management server, a database, a mail server, and a Web server, wherein:

the communication control device in the center transmits and receives the information to and from the radio communication terminal in the vehicle;

the management server:

manages the information transmitted from the vehicle;

calculates, on the basis of the managed information, at least fuel consumption and environmental-load emissions with respect to each of events which may occur and corresponding to a total of events over a total driving time of the vehicle;

stores in the database the calculated information with user information;

retrieves the information stored in the database;

processes the retrieved information into contents for diagnosis and advices by combining and comparing the information;

provides the contents from the mail server to the user terminal via the network;
and

provides the contents from the Web server to the user terminal via the network;
and

the user terminal:

is a mobile terminal or a personal computer;

sets up at least personal information, timing of providing the contents, and detail of the contents;

displays the contents; and

informs with sound.

2. (Original) An Eco-Driving diagnostic system as claimed in claim 1, wherein the radio communication terminal includes a displaying section to display information from the center.

3. (Previously Presented) An Eco-Driving diagnostic method comprising the steps of:

turning on a power source of an in-vehicle device when an engine of a vehicle is started up;

acquiring from a vehicle sensor, by the in-vehicle device, information necessary to comprehend driving statuses including at least engine revolutions, fuel consumption, vehicle speeds, vehicle positional information, and time information from the start of the engine;

temporarily processing, by the in-vehicle device, the acquired information so as to identify at least fuel consumption with respect to each of events which may occur and environmental-load emissions due to the fuel consumption;

transmitting the processed information from a radio communication terminal in the vehicle to a communication control device in a center via a radio communication network;

calculating, by a management server, the information received at the center to obtain at least fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event or for a total driving time;

storing in a database the calculated information being associated with respective users and vehicles;

processing, by the management server, the information stored in the database into contents including at least results obtained by comparing the fuel consumption and environmental-load emissions due to the fuel consumption with respect to each event and for a total driving time with those of the other vehicles, and breakdowns of the environmental-load emissions with respect to each event;

finding out at least an event causing increases of fuel consumption and environmental-load emissions on the basis of the breakdowns:

creating contents including results of diagnosis and advices to urge a user to drive in such a way as to reduce the fuel consumption and the environmental-load emissions;

transmitting the created contents from a mail server in the center to a user terminal at its e-mail address; and

providing the created contents to the user terminal via a Web server through a network; wherein:

the in-vehicle device is connected to the vehicle sensor via a wire line and short-range wireless communication system, respectively.

4. (Previously Presented) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 1, wherein:

the user terminal is a terminal of a company which is required to reduce fuel consumption of the vehicle;

the vehicle is a vehicle of the company; and

the center:

is a center of a traffic ESCO;

manages information about a fuel cost reduced by receiving services from the Eco-Driving diagnostic system at the vehicle;

informs the user terminal of the reduced fuel cost; and

receives a part of the reduced cost as a reward.

5. (Withdrawn-Not Involved in Appeal) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 1, wherein:

the user terminal is a terminal of a company which is required to reduce environmental-load emissions from the vehicle;

the vehicle is a vehicle of the company; and

the center:

is a center of a traffic ESCO;

manages information environmental-load emissions reduced by receiving services from the Eco-Driving diagnostic system at the vehicle;

informs the user terminal of the emission reductions; and

receives a part of excess emissions as a reward when the emission reductions are below an assigned amount.

6. (Withdrawn-**Not Involved in Appeal**) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 1, wherein:

the user terminal is a terminal of a company which is required to reduce environmental-load emissions from the vehicle;

the vehicle a vehicle of the company; and

the center:

is a center of an independent organization for accrediting environmental-load emissions dealt in emissions trading;

manages information about environmental-load emissions reduced by receiving services from the Eco-Driving diagnostic system at the vehicle;

accredits environmental-load emissions dealt in the emissions trading on the basis of the managed information;

informs the user terminal of the environmental-load emissions; and

receives a commission in reward for the accreditation.

7. (Withdrawn-**Not Involved in Appeal**) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 1, wherein:

the user terminal is a terminal of an Eco-Driving route information service receiver which requires Eco-Driving route information;

the vehicle is an Eco-Driving diagnosed vehicle;

the center:

is a center of a company of an Eco-Driving route information service provider;

manages original information about environmental-load emissions and fuel consumption to create an Eco-Driving route, the information being acquired by receiving services from the Eco-Driving diagnostic system at the vehicle;

comprehends a gap in fuel consumption and environmental-load emissions between different driving routes on the basis of the original information and the information acquired from the vehicle sensor of a plurality of the vehicles;

determines a driving route with less fuel consumption and less environmental-load emissions;

informs the user terminal of the determined information; and

receives a value for the services; and

the Eco-Driving diagnosed vehicle receives a value for providing the original information from the center.

8. (Withdrawn-**Not Involved in Appeal**) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 1, wherein:

the user terminal is a terminal of a toll charging service provider for charging a toll on a tollway according to environmental-load emissions;

the vehicle is an Eco-Driving diagnosed vehicle; and

the center:

is a center of the toll charging service provider;

manages information about environmental-load emissions on the tollway, the information being acquired by receiving services from the Eco-Driving diagnostic system at the vehicle;

informs the user terminal of the environmental-load emissions;

takes off a toll when the environmental-load emissions is below a stipulated value;

and

charging a penalty toll when the environmental-load emissions exceed the stipulated value.

9. (Withdrawn-**Not Involved in Appeal**) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 6, wherein:

the vehicle is a vehicle of a user of the Eco-Driving diagnostic services; and

another company purchase emission reductions of environmental loads from the user.

10. (Withdrawn-**Not Involved in Appeal**) A business system utilizing an Eco-Driving diagnostic system as claimed in claim 7, wherein the center transmits the determined driving route to the radio communication terminal in the vehicle.

APPENDIX B – EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C - RELATED PROCEEDINGS

No related proceedings are referenced in II. above, or copies of decisions in related proceedings are not provided, hence no Appendix is included.